



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
CLEVELAND OFFICE  
25089 CENTER RIDGE ROAD  
WESTLAKE, OH 44145-4170



March 11, 2003

Occidental Chemical Corporation  
c/o Johanna Coulter, Esq.  
Andrews & Kurth L.L.P.  
1701 Pennsylvania Ave., Suite, 300  
Washington, DC 20006-5805

Re: Completion of work under Order No. V-W-C2-C-687, for the Diamond Shamrock Painesville Works Site (Study Area 2), Painesville Township, Lake County, Ohio (Site ID# 0522)

Dear Ms. Coulter:

The United States Environmental Protection Agency (U.S. EPA), and Occidental Chemical Corporation (the "Respondent") entered into a Unilateral Administrative Order ("Order") effective on May 7, 2002. The Order was issued to conduct a time critical removal action at the former Diamond Shamrock Painesville Works - OU2 Site (aka Coking Plant) which potentially presented an imminent and substantial endangerment to public health and the environment. Specific factors considered in this determination were the presence of hazardous wastes abandoned and leaking from storage tanks and from waste piles on the Site. The hazardous waste abandoned at the Diamond Shamrock Painesville Works Site (the Site) include coal tar (K087), benzene (D018), lead (D008) and PCBs which were documented by the Ohio Environmental Protection Agency (OEPA) and confirmed by the U.S. EPA. These materials posed potential threats through the following routes as listed in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) 40 Code of Federal Regulations (CFR) 300.415(b)(2):

- (1) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;
- (2) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;
- (3) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;
- (4) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;
- (5) The availability of other appropriate federal or state response mechanisms to

respond to the release.

Pursuant to the Order the Respondent submitted a Removal Work Plan dated March 11, 2002, with revisions in May 2002. The U.S. EPA approved the Work Plan on June 26, 2002. Site work was initiated on July 8, 2002.

On December 19, 2002, the Respondent submitted, as required by the Order, the Final Report on their activities at the Site. Based on my oversight of the Respondent's activities at the Site, my review of the Final Report, and a final inspection of the Site conducted on November 14, 2002, I have concluded that the Respondent has completed the following work required by the Order:

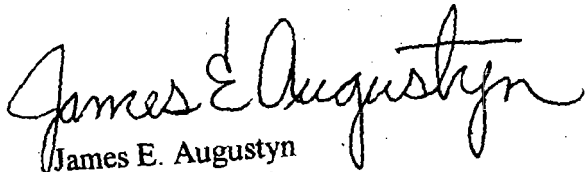
- a. The Respondent's contractor, Tierra Solutions, Inc., developed and implemented a site-specific Health and Safety Plan and Work Plan as well as site access agreement;
- b. Secured and contained all hazardous substances and PCB materials on Site;
- c. Conducted additional sampling to identify, inventory, and characterize hazardous substances or pollutants or contaminants on Site, including coal tar wastes, ignitable wastes and PCBs;
- d. Stabilized and dispose off-site all hazardous substances or pollutants or contaminants from above ground storage tanks, waste piles, and drums or containers at a U.S. EPA-approved disposal facility in accordance with the U.S. EPA Off-Site Rule (40 CFR § 300.440);
- e. Removed any friable asbestos-containing materials encountered that hindered planned removal actions and disposed off Site in accordance with applicable regulations;
- f. Initiated any response actions to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the U.S. EPA determined may have posed an imminent and substantial endangerment to the public health or the environment; and
- g. Conducted post removal sampling and analysis to verify completion of the removal action.

This letter merely reflects the U.S. EPA's determination that the work required by the Order was completed. This notice of completion in no way releases the Respondent from any potential future obligations to perform additional work to address the same, or other, conditions at the Site. Similarly, this notice of completion does not release the Respondent from any record keeping, payment, or other obligations under the Order that extend beyond the date of this notice.

Finally, under the terms of the Order the Respondent is obligated to pay all response costs incurred by the United States in overseeing the Respondent's implementation of the requirements of the Order. The U.S. EPA will prepare an itemized cost statement detailing response costs related to this Site.

Please contact me at (440) 250-1742 or Jose De Leon at (312) 353-7456 if you have any questions concerning this letter.

Sincerely,



James E. Augustyn  
On-Scene Coordinator

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bcc: M. Guerriero, SE-5J  
J. De Leon, C-14J  
D. Haidar, ME-W

U.S. ENVIRONMENTAL  
PROTECTION AGENCY

MAR 26 2003

OFFICE OF REGIONAL  
COUNSEL